

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDRE BRIGHAM YOUNG,

Plaintiff,

v.

VICTORIA WOODARDS, *et al.*,

Defendants.

Case No. C24-5704-TL-SKV

REPORT AND RECOMMENDATION

Plaintiff Andre Brigham Young has submitted to the Court for filing a proposed civil rights complaint under 42 U.S.C. § 1983 (Dkt. 5-1), and an application for leave to proceed with this action *in forma pauperis* (Dkt. 5). He has also submitted an assortment of other documents, including a proposed amended complaint (Dkt. 5-2), a letter seeking the recusal of U.S. District Judge Robert J. Bryan (Dkt. 5-3), two documents that have been construed as memoranda in support of Plaintiff's complaint (Dkts. 5-4, 5-5), a proposed motion of prejudice against Judge Bryan (Dkt. 5-6), and a motion to consolidate all actions filed by Plaintiff in this Court (Dkt. 5-7).

At the time Plaintiff submitted his original materials to the Court for filing, he was confined at the Pierce County Jail, where he was apparently serving a 90-day term of

1 confinement after being convicted on a charge of failing to register as a sex offender. *See* Dkts.
2 5-1, 5-5. Plaintiff has since been released from confinement. *See* Dkts. 3, 4; *see also* Dkt. 5-1 at
3 29 (noting that Plaintiff was scheduled to be released from the Pierce County Jail on August 20,
4 2024).

5 Plaintiff's original complaint appears to arise out of his recent prosecution in Pierce
6 County Superior Court, and the gravamen of his claims appears to be that he has never been
7 convicted of a valid sex offense and Pierce County therefore had no jurisdiction to pursue the
8 failure to register as a sex offender charge upon which he was most recently convicted. *See* Dkt.
9 5-1. However, while the current action ostensibly relates to Plaintiff's most recent conviction
10 and sentence, he appears to be using this action as a vehicle to challenge convictions and periods
11 of confinement dating back to 1962. *See id.* Indeed, Plaintiff indicates in his materials that he is
12 seeking compensation for "decades" of what he deems unlawful incarceration, beginning in 1962
13 and continuing through 2024. *Id.* at 13-14.

14 A particular focus of the claims asserted by Plaintiff in his original complaint is four rape
15 convictions dating back to the early 1960s, which he maintains were overturned by U.S. District
16 Judge Justin L. Quackenbush in 1966.¹ *See* Dkt. 5-1. at 4-5. Plaintiff claims that, despite Judge
17 Quackenbush's invalidation of his convictions, prosecutors have continued to charge and falsely
18 imprison him. *See id.* at 4-5, 9. Plaintiff cites, in particular, to a 1986 rape conviction which he
19 claims was based on faulty forensic evidence, and to civil commitment proceedings initiated at
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22 ¹ The Court observes that, Judge Quackenbush, a United States District Judge for the Eastern District of
23 Washington, was nominated to the federal bench on May 9, 1980, and was confirmed by the United States
Senate on June 18, 1980. *See* <https://www.waed.uscourts.gov/content/senior-judge-justin-l-quackenbush>
(last accessed October 24, 2024). It therefore would have been impossible for Judge Quackenbush to
have vacated Plaintiff's convictions in 1966 as Plaintiff contends.

1 an unspecified time by the King County Prosecutor's Office, which led to a lengthy period of
2 detention at the Special Commitment Center. *See id.* at 6-8, 15-19.

3 In his proposed amended complaint, Plaintiff asserts additional claims arising out of a
4 period of alleged unlawful confinement at Western State Hospital from 1966 to 1969, and out of
5 a conviction in Ellensburg, Washington, for threatening to blow up a public building at Central
6 Washington University, all of which Plaintiff appears to relate back to his original rape
7 convictions in the early 1960s. *See* Dkt. 5-2.

8 Plaintiff has a history as an abusive litigant, and he is therefore subject to a pre-filing bar
9 order in this Court. *See Young v. Barbour*, C89-678-WD (W.D. Wash. June 1, 1989). The bar
10 order provides that any requests by Plaintiff to proceed *in forma pauperis* will be denied "except
11 upon a showing of good cause to the court's satisfaction as to why plaintiff should be permitted
12 to sue on a particular cause of action at public expense." *See id.*, Dkt. 1 at 3. The bar order
13 further provides that Plaintiff is to "submit, with respect to any civil rights complaint, a separate
14 statement, based on factual allegations, showing good cause why he should be permitted to sue
15 on the new complaint."

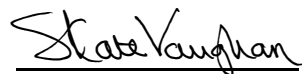
16 Though Plaintiff has submitted numerous documents in this action, he has not submitted,
17 as he must, a separate statement showing good cause why he should be permitted to pursue his
18 present claims at public expense. The Court notes as well, that Plaintiff has not identified any
19 cognizable claims for relief in his proposed pleadings. Plaintiff seeks compensation in this
20 action for periods of alleged unlawful confinement which he claims relate to invalid convictions
21 dating back to the 1960s. In *Heck v. Humphrey*, 512 U.S. 477 (1994), the United States Supreme
22 Court held that a claim brought under § 1983 that calls into question the lawfulness of a
23 plaintiff's conviction or confinement does not accrue "unless and until the conviction or sentence

1 is reversed, expunged, invalidated, or impugned by the grant of a writ of habeas corpus.” *Id.* at
2 489. While Plaintiff claims that the convictions attributed to him over the past forty years have
3 been invalidated in some fashion (*see* Dkt. 5-1 at 12), he has presented no actual evidence
4 establishing this fact.

5 For the foregoing reasons, this Court recommends Plaintiff’s IFP application (Dkt. 5) be
6 DENIED, and this action be DISMISSED without prejudice. A proposed Order accompanies
7 this Report and Recommendation.

8 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
9 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
10 Report and Recommendation is signed. Failure to file objections within the specified time may
11 affect your right to appeal. Objections should be noted for consideration on the District Judge’s
12 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
13 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
14 ready for consideration by the District Judge on **November 15, 2024**.

15 DATED this 25th day of October, 2024.

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18 S. KATE VAUGHAN
19 United States Magistrate Judge
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